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Counsel for Non-Party Sprouts Farmers Market Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**NON-PARTY SPROUTS
FARMERS MARKET INC.'S
SUPPLEMENTAL STATEMENT
REGARDING SEALED
EVIDENTIARY HEARING
EXHIBITS**

Pursuant to the Court's August 25, 2024 Order (Dkt. No. 408), non-party Sprouts Farmers Market, Inc. ("Sprouts") submits this supplemental statement to provide the Court with the remaining unique exhibit identifiers corresponding to the Sprouts confidential documents which the Court granted sealing.

At the time of filing its Motion to Seal (Dkt. Nos. 306, 308), Sprouts was unaware of the following exhibits identifiers, which the Court granted sealing:

Ex No.	Description	Bates Range	Portion(s) For Sealing/<i>In Camera</i> Treatment
DX0227	Document: Six consumer segments define grocery shoppers, with four of the segments having at least moderate interest in Sprouts	FTC-Sprouts-00000003 – FTC-Sprouts-00000005	Entire Document
DX2525	Deposition Transcript of John S. Neal (June 4, 2024)	PX4120-001 – PX4120-092	Partial Document ¹
DX0221	Declaration of J. Scott Neal (Sprouts Farmers Market, Inc.)	PX5003-001 – PX5003-003	Partial Document
DX0224	Document: Produce Pricing vs KR, WFM, Publix, WMT	SPRT 000195-SPRT000209	Entire Document
DX0225	Document: Co-tenancy/Adjacency Impacts, December 2022	FTC-Sprouts-00000071 - FTC-Sprouts-00000088	Partial Document
DX0226	Document: Cannibalization & Intrusion, 2022-2023 vintages	FTC-Sprouts-00000090 - FTC-Sprouts-00000100	Partial Document
DX0228	Document: Produce price check comparison summary	FTC-Sprouts-00000101	Partial Document

For the Court's convenience, all of the Sprouts confidential documents which the Court granted sealing are included in the table below:

¹ For the Confidential Exhibits as to which only partial sealing was requested by Sprouts, and has been ordered by the Court, proposed redactions are denoted in yellow highlighting in the exhibits attached to the Declaration of Derek Mirza (Dkt. No. 308-1).

Ex No.	Description	Bates Range	Portion(s) For Sealing/ <i>In Camera</i> Treatment
PX3395 / DX0227	Document: Six consumer segments define grocery shoppers, with four of the segments having at least moderate interest in Sprouts	FTC-Sprouts-00000003 – FTC-Sprouts-00000005	Entire Document
PX3400	Document: Kroger - Albertsons Divestitures: Potential Outcomes	FTC-Sprouts-00000148	Partial Document
PX3647	Sprouts Letter to FTC dated March 31, 2023	PX3647-001 – PX3647-003	Partial Document
PX4120 / DX2525	Deposition Transcript of John S. Neal (June 4, 2024)	PX4120-001 – PX4120-092	Partial Document
PX5003 / DX0221	Declaration of J. Scott Neal (Sprouts Farmers Market, Inc.)	PX5003-001 – PX5003-003	Partial Document
DX0224	Document: Produce Pricing vs KR, WFM, Publix, WMT	SPRT 000195-SPRT000209	Entire Document
DX0225	Document: Co-tenancy/Adjacency Impacts, December 2022	FTC-Sprouts-00000071 - FTC-Sprouts-00000088	Partial Document
DX0226	Document: Cannibalization & Intrusion, 2022-2023 vintages	FTC-Sprouts-00000090 - FTC-Sprouts-00000100	Partial Document
DX0228	Document: Produce price check comparison summary	FTC-Sprouts-00000101	Partial Document

Dated: August 26, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2024, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 26th day of August, 2024.

s/ Hannah Sutherland
Hannah Sutherland, Legal Assistant